

Remarks/Arguments

This application is a continuation of U.S. Application Serial No. 10/390,083, filed March 17, 2003, which contained claims 1-14. Claims 1-13 have been cancelled in the parent case, and are being filed here as a continuation application.

Claims 1-14 are pending in the application. Claims 3, 8, and 9 have been amended. Claim 14 has been cancelled. The Amendment is fully supported by the original disclosure. No new matter has been introduced. Reconsideration and allowance of claims 1-13 in view of the following remarks is respectfully requested.

The Objection to Minor Informalities:

The Examiner has objected to claims 3, 8, and 9 for minor informalities. In the objection, the Examiner suggested revised claim language to overcome the objection.

In response to this objection, Applicant has amended claims 3, 8, and 9 to adopt the Examiner's suggestions.

The Rejection Of Claims 1-13 Under 35 U.S.C. § 112:

The Examiner has rejected claims 1-13 under 35 U.S.C. for failing to comply with written description requirement as well as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has objected to the "a smooth chamber wall" limitation added to independent claims 1 and 8.

In response to this objection, Applicant has amended the specification at page 3 and 4 to change the description of chamber walls 31 and 37 from "oval-shaped" to "smooth chamber wall" "having an uninterrupted geometric oval surface". Applicant believes such language is clearly supported by the Figures 2, 6A, and 6B, where the chamber walls 31 and 37 are shown as having an uninterrupted geometric oval surface with the chamber walls 31 and 37 being

smooth. This language was provided to reasonably convey one skilled in the relevant art that the present invention did not include items projecting from the chamber walls 31 and 37, like the projections 28 disclosed in the Lepine (U.S. Patent No. 3,716,033) reference. If this Amendment fails to overcome the Examiner's rejection, Applicant requests that the Examiner propose more definite language to convey the same concept.

The Rejection Of Claims 1-6 And 8-13 Under 35 U.S.C. § 103:

The Examiner has rejected claims 1-6 and 8-13 under 35 U.S.C. § 103 as being obvious in view of the combination of Lepine (U.S. Patent No. 3,716,033) in view of Satz (U.S. Patent No. 4,009,573).

Applicant disagrees with the Examiner's conclusion and traverses the rejection for the following reasons. The Examiner has failed to establish a *prima facie* case of obviousness since there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings as suggested. Specifically, the Examiner has argued that Lepine shows every mentioned claimed element except for the chamber walls being smooth and being oval, and that the Satz reference shows the smooth oval chamber walls are well known in the art and could be obviously incorporated into the Lepine device. Applicant cannot agree. Specifically, Lepine teaches away from the limitation of claims 1-13 of having a "smooth chamber wall" since the projections 28 of Lepine are disclosed as advantageously providing more than two compression zones (see Lepine at column 2, lines 52-56). Lepine therefore teaches away from the use of smooth oval surfaces of Satz since such a surface would restrict Lepine to only two compression zones, thus eliminating the advantage of writing more than two projections 28 resulting in more than two compression zones. Additionally, claims 1-13 also recite a shaft being concentrically disposed through both

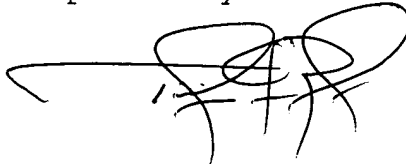
chambers. While Lepine shows such an arrangement, Satz teaches away from such an arrangement by disclosing that the longitudinal access of stator 16 is offset from the longitudinal access of stator 18. Accordingly, were Satz combined with Lepine as suggested by the Examiner, the resultant device would have offset stators 16 and 18, instead of having a shaft concentrically disposed through both chambers as recited in claims 1-13.

Conclusion:

In view of the above amendments and remarks, Applicant believes that claims 1-13 are in condition for allowance, and Applicant respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 50-2098.

Respectfully submitted,



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